

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

City of Chicago,

*Plaintiff,*

v.

DoorDash, Inc. and Caviar, LLC,

*Defendants.*

Civil Action No. 1:21-cv-05162

Honorable Jeremy C. Daniel

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON DEFENDANTS'  
FIFTEENTH AFFIRMATIVE DEFENSE (DUE PROCESS)**

Plaintiff the City of Chicago (the “City”) hereby moves, pursuant to Federal Rule of Civil Procedure 56, for summary judgment as to the Fifteenth Affirmative Defense (Due Process) asserted by Defendants DoorDash, Inc. and Caviar, LLC (collectively, “Defendants”).

Defendants’ asserted theories of their Fifteenth Affirmative Defense are that the City’s retention and supervision of outside counsel on a contingency-fee basis has allegedly violated their constitutional right to due process. As set forth in the City’s accompanying memorandum of law, these theories are not cognizable as due process violations. Even if Defendants’ theories did implicate constitutional due process, the City has established that it adequately controls this litigation as a matter of law.

The City therefore respectfully requests that the Court grant its Motion for Partial Summary Judgment on Defendants’ Fifteenth Affirmative Defense (Due Process) pursuant to Federal Rule of Civil Procedure 56.

Defendants oppose this Motion. The parties have discussed and agreed to a proposed briefing schedule, and propose that Defendants' response be due on September 21, 2023, and that Plaintiff's reply be due on October 19, 2023.

DATED: August 24, 2023

Respectfully submitted,

**CITY OF CHICAGO DEP'T OF LAW,  
AFFIRMATIVE LITIGATION DIVISION**

By: /s/ Stephen J. Kane

Stephen J. Kane  
Peter H. Cavanaugh  
121 N. LaSalle Street  
Room 600  
Chicago, IL 60602  
Phone: (312) 744-6934  
stephen.kane@cityofchicago.org  
peter.cavanaugh@cityofchicago.org

**COHEN MILSTEIN SELLERS &  
TOLL PLLC**

By: /s/ Brian E. Bowcut

Brian E. Bowcut (*pro hac vice*)  
Betsy A. Miller (*pro hac vice*)  
Peter Ketcham-Colwill (*pro hac vice*)  
Lisa M. Ebersole (*pro hac vice*)  
1100 New York Avenue, NW, Suite 500  
Washington, D.C. 20005  
Phone: (202) 408-4600  
bbowcut@cohenmilstein.com  
bmiller@cohenmilstein.com  
pketcham-colwill@cohenmilstein.com  
lebersole@cohenmilstein.com

*Attorneys for Plaintiff City of Chicago*